

REMARKS

Claims 1 - 20 are pending in the application. Claims 1-2, 6-8, 10-11 and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,977,880 B2 issued to Tomita. Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of U.S. Patent No. 7,039,848 B2 issued to Inokuchi et al. Claims 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of U.S. Patent No. 7,031,246 B2 issued to Sako et al. Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomita in view of U.S. Publication No. 2004/0120236 A1 issued to Suzuki et al. Appreciation is expressed for the indication that Claim 3 and 13 include allowable subject matter. Applicants respectfully traverse the rejections and request reconsideration and full allowance of all pending claims.

The Examiner's objections to the drawings are not understood. Figures 2 and 3 depict a first set of embedded information in a first layer (i.e., EDI stored in data layer 38) overlapping a second set of embedded information in a second layer (i.e., SSC on protective surface 44).

Tomita discloses a multi-layered disc optical medium having plural recording layers, each layer having an information data recording area and a control data recording area, the control data recording area in each of the recording layers is disposed such that the control data recording area of one of the recording layers is not superimposed with the control data recording area of another of the recording layers in the direction of the normal line

Claim 1 recites, in part, "a second set of embedded information stored at the second layer aligned to substantially overlap the first set of information."

Claim 11 recites, in part, "embedding a second set of information in a second layer at the predetermined radius of the optical medium."

Claim 17 recites, in part, "an optical media identification module interfaced with the pickup head and operable to determine identification information read from first and second aligned embedded information areas."

Tomita cannot anticipate Claims 1, 11 and 17 because Tomita fails to teach, disclose or suggest all elements recited by Claims 1, 11 and 17. For instance, Tomita fails to teach, disclose or suggest a second set of embedded information “aligned to substantially overlap” a first set as recited by Claim 1, a second set of embedded information “at the predetermined radius” of a first set of embedded information as recited by Claim 11, or “first and second aligned embedded information areas” as recited by Claim 17. Indeed, Tomita specifically states that the control data recording areas of the different layers are disposed so as not to superimpose the control data recording areas of other layers (Abstract, 1:67; 2:27). Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of Claims 1, 11 and 17, as well as Claims 2-10, 12-16 and 18-20 which depend from Claims 1, 11 and 17 respectively.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

The Commissioner is authorized to deduct any fees which may be necessary and to credit any overpayment to Deposit Account No. 502264.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on November 6, 2006.

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Respectfully submitted,

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